

## Remarks/Arguments

Claims 1 and 3-12 are pending in the application. Claims 1 and 3 stand allowed.

Claims 11 and 12 were rejected under 35 USC 101. These claims have been amended in accordance with the suggestions made by Examiner to obviate this rejection.

Claims 4-12 stand rejected under 35 USC 102(e) as anticipated by Kramer US 6,281,413. The Examiner stated:

The claims are drawn to a transgenic plant/cell having a genome comprising "a" nucleic acid sequence that encodes "a" protein of SEQ ID NO:6. The claims are also drawn said transgenic rice, maize, cotton or tobacco/cell, seed and progeny thereof. The claims read on a transgenic plant/cell comprising in its genome a portion of any size from a nucleotide sequence encoding a portion of any size of SEQ ID NO:6, which could be as few as 2 nucleotides.

Claims 4, 5, and 6 have been amended to make it clear that all of claims 4-12 require a sequence encoding the full length protein of SEQ ID NO:6. Nothing in the prior art discloses or suggests plants or plant cells comprising such sequences.

Reconsideration is respectfully requested in light of the foregoing amendments and remarks.

Respectfully submitted,



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